

FILED
Clerk
District Court

SEP 13 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	Criminal No. 04-00017
)	Civil No. 07-0028
Plaintiff)	
)	
v.)	ORDER DENYING
)	DEFENDANT'S FIRST
CRISPIN A. TAITANO,)	PETITION UNDER
)	28 U.S.C. § 2255
Defendant)	
_____)	

On September 12, 2007, the court received defendant's first motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255.

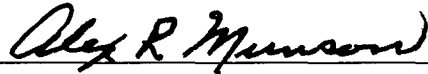
In the interests of conserving the resources of the court and the parties, the court will decide the matter without requiring a response from plaintiff.

Defendant's motion is denied because it is untimely. Title 28 U.S.C. § 2255 requires that such motions be filed within one year of certain specified occurrences. Defendant was sentenced on September 6, 2005. No appeal was taken from the final

1 judgment. The instant motion was placed in the correctional institution's mail system
2 on or around September 1, 2007, almost two years after the date defendant's
3 judgment became final. Defendant argues that the decision in Cunningham v.
4 California, ___ U.S. ___, 127 S.Ct. 856 (2007), applies to his situation, but the court
5 has reviewed that decision and concludes otherwise.
6

7
8 IT IS SO ORDERED.

9 DATED this 13th day of September, 2007.
10
11
12

13 

14 ALEX R. MUNSON

15 Judge
16
17
18
19
20
21
22
23
24
25
26